

# Hydroelectric Licensing Regulations

---



## Notice of Proposed Rulemaking

Federal Energy Regulatory Commission  
Office of Energy Projects  
Office of the General Counsel

# Chronology of Events



- ▶ Sept 2002 – Public Notice
- ▶ Oct/Nov - FERC/Resource Agency Public & Tribal Forums
- ▶ Dec - Stakeholder Drafting
- ▶ Dec/Jan 2003 – FERC & Resource Agency Drafting

# Chronology of Events



- ▶ Feb 20, 2003 – NOPR
- ▶ Mar/Apr - Regional Workshops
- ▶ Apr - Stakeholder Drafting
- ▶ Mar/May – FERC & Resource Agency Drafting
- ▶ Jul 2003 - Final Rule



# Proposed Rule

- ▶ Creates a new process – Integrated Licensing Process
- ▶ Adds improvements to an existing process – Traditional Process

# Integrated Licensing Process



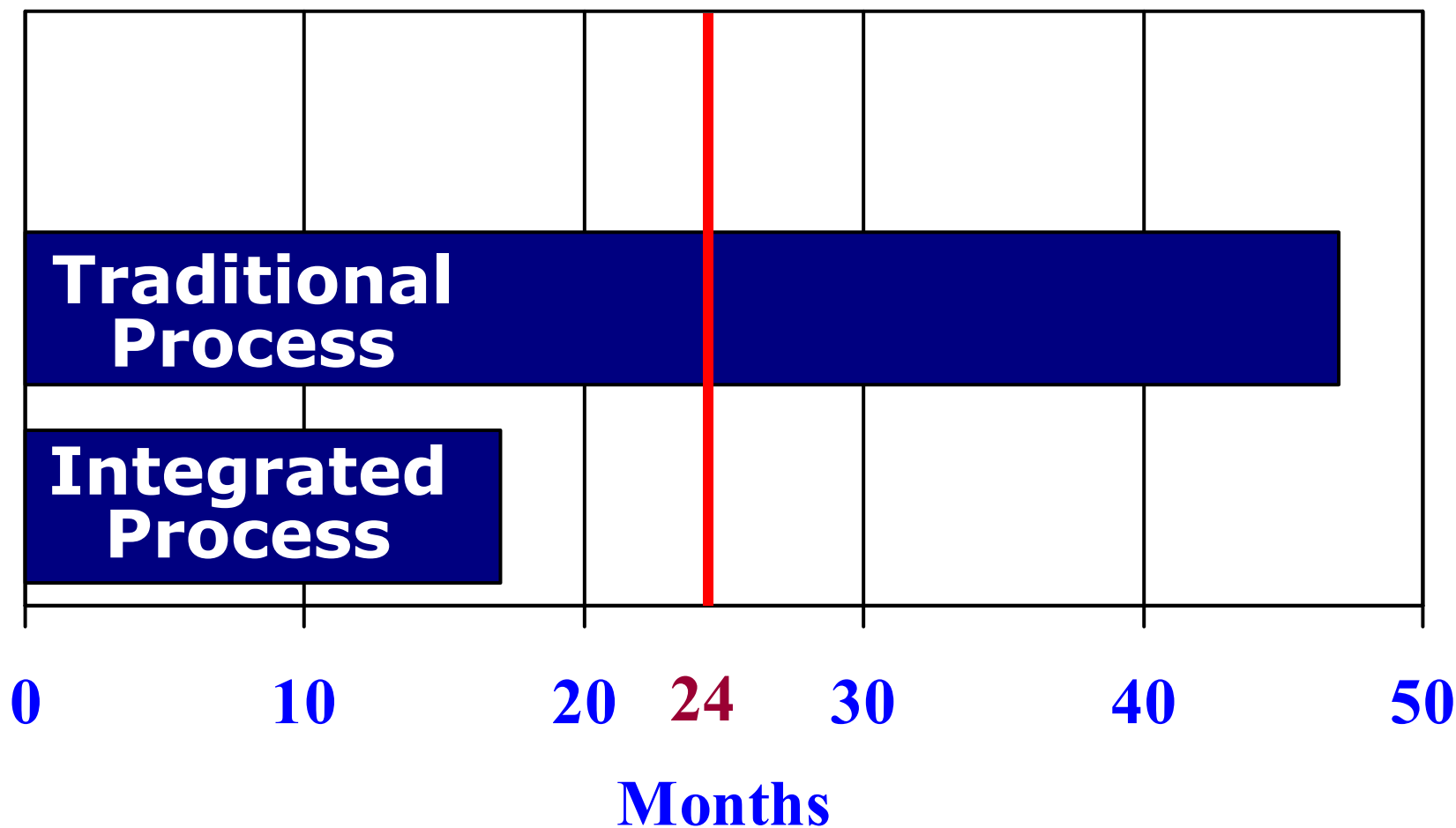
- ▶ Improves process **efficiency** by requiring:
  - ▶ Application preparation in conjunction with NEPA Scoping
  - ▶ Coordination with other processes
  - ▶ Increased public participation

# Integrated Licensing Process



- ▶ Improves process **timeliness** by requiring:
  - ▶ Early FERC staff assistance
  - ▶ Process plan & schedule
  - ▶ Early study plan development & informal/formal dispute resolution

# Application Processing Time



# Modified Traditional Process

---



- ▶ Increased public participation
- ▶ Early study dispute resolution



# Other Significant Issues

---



- ▶ Process Selection
- ▶ Cooperating Agency Policy
- ▶ Tribal Consultation



# Process Selection

- ▶ 3 Processes – Integrated, Traditional, & Alternative
- ▶ Integrated Process is default
- ▶ Applicant selects process & solicits comment in Notice of Intent
- ▶ Commission staff approves selection

# Resource Agency Cooperation



- ▶ NOPR changes FERC policy by permitting intervention by federal agencies cooperating on NEPA
- ▶ Modify ex-parte rule to require disclosure of study information provided by agencies



# Tribal Consultation

---

- ▶ Commission staff would initiate early discussions with affected Indian tribe(s) to develop consultation procedures
- ▶ Establish position of Tribal Liaison